

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PERCY LAVAE BACON,

Plaintiff,

vs.

RANDY LASWELL, *et al.*

Defendants.

2:09-cv-02058-PMP-PAL

ORDER

This prisoner civil rights action comes before the Court following upon plaintiff's filing of a notice of appeal (#9). Pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies to the Court of Appeals that the appeal is not taken in good faith.

The Court dismissed the action with prejudice because all of the claims asserted were barred by the applicable two-year statute of limitations. The alleged illegal search and arrest, use of excessive force, and other torts were alleged to have occurred on September 3, 2003. The Court further accepted as true for purposes of screening review Plaintiff's allegation that the North Las Vegas Municipal Court Judge "dismiss[ed] the case, on May 3, 2005, which begun the statute of limitation." #4, at handwritten page 9. The Complaint in this matter was mailed for filing on or about June 13, 2009. All claims asserted in the Complaint thus long since had been time barred. See #5. Plaintiff's arguments seeking rehearing as to the dismissal all lacked any conceivable merit on their face. See #8. The appeal from the dismissal of the complaint accordingly is frivolous such that an appeal would be dismissed in the case of a non-indigent litigant.

1 IT THEREFORE IS ORDERED, pursuant to 28 U.S.C. § 1915(a)(3), that the Court
2 certifies to the Court of Appeals that the appeal is not taken in good faith.

3 IT FURTHER IS ORDERED, so that the certification herein shall be clearly marked on
4 the docket for review by the Court of Appeals, that the Clerk of this Court shall docket this
5 order on the docket sheet as an order that certifies to the Court of Appeals that the appeal
6 is not taken in good faith and shall forward same to the Ninth Circuit in either a notice of
7 electronic filing or a supplemental transmittal, as consistent with the Clerk's current practice.

8 DATED: August 19, 2010.

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12 PHILIP M. PRO
13 United States District Judge
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